

// A special meeting of the Council of the City of Lynchburg, recessed from June 8, was held on the 17th day of June, 2004, at 3:00 P.M., Second Floor Training Room, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding proposed changes to the City's sign ordinance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// City Manager Kimball Payne distributed a breakdown of the City's responses to a request from William McRorie dated June 3, 2004. Mr. Payne explained that the responses were divided into two lists, i.e., one list containing the items that staff agrees with and which require no further discussion, and the other list containing items that require further discussion or direction from City Council.

On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote accepted the "agreed" list with one change, i.e., to require that the lettering in the changeable copy signs be removed within thirty days:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

City Council spent the next four hours discussing the unresolved items, and following discussion of each item, took action on each of the items.

On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote agreed that flags would not be regulated and would not be calculated with the maximum permissible sign area for the district in which the flag is located unless the flag is used to advertise a business, service, product, goods, special promotion, activity or event:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

Following discussion, City Council reached consensus that window signs covering more than twenty-five percent (25%) of the glass area shall be calculated with and included in the maximum permitted building mounted sign area in the district.

On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote agreed to change (f) on page 61 to read "portable signs, pennants, streamers, off site directional signs, and flashing signs are prohibited":

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote agreed that Section 3-3 would be rewritten to state that except for the city, no one shall install any signs, banners, billboards or similar structures or objects in the public rights-of-way:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Garber, seconded by Council Member Barksdale, Council by the following recorded vote agreed to amend the definition of "changeable copy sign" on page 56 by adding a second sentence to read "copy may not change more than once every six (6) seconds":

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Vice Mayor Dodson, seconded by Council Member Garber, Council by the following recorded vote agreed that "c" on page 62 be changed to allow temporary banners to be displayed for up to sixty days at a time, with a thirty days gap in between each display, but no more than a total of 180 days per calendar year:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

Council Member Adams made a motion, seconded by Council Member Seiffert, to accept the 30% reduction in "e" on page 60 of the ordinance. Vice Mayor Dodson made a substitute motion, seconded by Council Member Garber, that "e" on page 60 be changed to 25% instead of 30%, and Council by the following recorded vote adopted the substitute motion:

Ayes: Barksdale, Dodson, Garber, Hutcherson 4

Noes: Adams, Foster, Seiffert 3

On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote asked that the City Attorney amend the section of the sign ordinance regarding billboards to incorporate recent state law changes:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Garber, seconded by Council Member Barksdale, Council by the following recorded vote agreed to reconsider its earlier decision regarding the height and size of signs in B-3 and B-5 districts:

Ayes: Barksdale, Dodson, Garber, Hutcherson 4

Noes: Adams, Foster, Seiffert 3

On motion of Mayor Hutcherson, seconded by Council Member Barksdale, Council by the following recorded vote agreed that the overall height of signs in B-3 and B-5 districts shall not exceed 17 feet instead of the 15 feet as originally proposed:

Ayes: Adams, Barksdale, Dodson, Garber, Seiffert, Hutcherson 6

Noes: Foster 1

Council Member Seiffert made a motion, seconded by Council Member Foster, to leave the width of signs in B-3 and B-5 districts at 50 square feet. Vice Mayor Dodson made a substitute motion to increase the width of signs in B-3 and B-5 districts to 60 square feet. The substitute motion died for lack of a second.

The vote was called on the original motion, and Council by the following recorded vote approved the original motion:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: Dodson, Garber 2

On motion of Council Member Garber, seconded by Council Member Barksdale, Council by the following recorded vote agreed that the maximum square feet for wall signs in B-3 and B-5 districts less than 200 feet from the street be 150 square feet:

Ayes: Barksdale, Dodson, Garber, Hutcherson 4

Noes: Adams, Foster, Seiffert 3

On motion of Council Member Garber, seconded by Council Member Barksdale, Council by the following recorded vote agreed that the maximum square feet for wall signs in B-3 and B-5 districts more than 200 feet from the street be 200 square feet:

Ayes: Barksdale, Dodson, Garber, Foster, Seiffert, Hutcherson 6

Noes: Adams 1

On motion of Vice Mayor Dodson, seconded by Council Member Garber, Council by the following recorded vote agreed that in B-3 and B-5 districts that ground signs for a group of buildings that exceeds two hundred thousand (200,000) square feet in area, shall not exceed 125 square feet in area plus 16 square feet for a changeable copy sign:

Ayes: Barksdale, Dodson, Garber, Foster, Seiffert, Hutcherson 6

Noes: Adams 1

Following the work session, City Manager Kimball Payne stated that a revised ordinance would be prepared to incorporate the above changes and presented to City Council for adoption at its June 22 meeting.

// The meeting was recessed at 6:53 p.m. to June 22, at 1:00 p.m., to conduct a work session regarding several items.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from June 17, was held on the 22nd day of June, 2004, at 1:00 P.M., Second Floor Training Room, Bert Dodson, Jr., Vice President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Barksdale, Dodson, Foster, Garber, Seiffert 5

Absent: Adams, Hutcherson 2

// City Traffic Engineer Gerry Harter provided an update regarding the Crosstown Connector project. Mr. Harter stated that the next step would be for City Council to accept the design of Phase 1 so that the Virginia Department of Transportation could proceed to the right-of-way acquisition phase. On motion of Council Member Seiffert, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-04-070, as presented, approving the design of Phase 1 of the Crosstown Connector project:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert 5

Noes: 0

Absent: Adams, Hutcherson 2

// City Traffic Engineer Gerry Harter provided an update regarding the Breezewood Drive Extension Project. Mr. Harter provided an overview regarding the two roadway alignments under consideration and explained that staff would like to proceed with the scheduling of a public hearing regarding the two roadway alignments for the July 13 meeting. Mr. Harter went on to say that following the public hearing, staff would like for City Council to make a decision on which roadway alignment to carry forward to the design phase for this project. Council agreed to the scheduling of the public hearing for July 13.

// Mr. David Owen, Director of Waste Management, presented an overview regarding the City of Lynchburg Solid Waste Management Plan. Mr. Owen explained that this is the third update of the original 1992 Plan and proposes no fundamentally new policy changes, and addresses the collection, disposal, recycling options, projected growth, and goals for the next 20 years. On motion of Council Member Foster, seconded by Council Member Garber, Council by the following recorded vote adopted Resolution #R-04-071, as presented, approving the City of Lynchburg Solid Waste Management Plan:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert 5

Noes: 0

Absent: Adams, Hutcherson 2

// Mr. David Owen, Director of Waste Management, provided a status report regarding the first six months operations of the new semi-automated refuse collection program. Mr. Owen explained that in order to balance the routes, the City will be making changes in October to the current refuse collection routes.

// Council Member Adams arrived at 2:40 p.m.

// City Manager Kimball Payne presented a request of Ms. Jeanette Tyree to name the baseball field at City Stadium in honor of Mr. Calvin Falwell for his dedication to minor league baseball. Mr. Payne stated that staff is in support of the request. Former Judge William Sweeney along with Ms. Tyree presented a

petition signed by over 600 individuals in support of the request and stated that private funds would pay for 2 to 3 modest signs to be installed within the ballpark. City Council members spoke in support of this request, and on motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-072, as presented, naming the baseball field at the Lynchburg City Stadium the "Calvin Falwell Field":

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// Police Chief Chuck Bennett stated that questions have been raised recently regarding certain types of vehicular noise, i.e., noise from a vehicle's exhaust system and loud music coming from the vehicles.

Council Member Seiffert read a letter from a citizen suggesting that City Council send a letter to the State asking that the inspection stations not pass vehicles whose exhaust systems are louder than what is allowed by the State of Virginia.

// Director of Communications and Marketing JoAnn Martin provided information regarding an upcoming event to recognize the members of the local Marine Reserve Unit who are being deployed to Iraq.

// Mayor Hutcherson arrived at 3:44 p.m.

// City Manager Kimball Payne presented an overview regarding a proposal for the utilization of the resources set aside in the FY2005 Budget for City employee pay increases. Mr. Payne stated that the proposal is consistent with the Compensation Philosophy and with the action taken with respect to the Police Department salaries. Mr. Payne also noted that the proposal would put the City into a better position next year as the City moves forward with pay for performance.

// During roll call, and in response to Council Member Foster's question, City Manager Kimball Payne stated that the City's hiring freeze will continue with the exception of public safety positions and fully funded positions. In response to Mayor Hutcherson's question, City Manager Payne stated that \$3,000 funding for indigent burials, which had been previously funded through the General Relief Program, would be funded either through carry-over or contingency funds. Council Member Foster expressed concern regarding the gap in services that exists now that the City no longer has the General Relief Program, and suggested that the matching funds for this program be taken out of the contingency funds for one year to allow time for individuals to seek additional resources to fund the services previously provided by the General Relief Program. Vice Mayor Dodson stated that the budget has been finalized and that City Council can revisit the funding for this program next year. City Manager Payne distributed some revised pages to the proposed sign ordinance stating that City Council would be asked at the 5:00 p.m. meeting to adopt the sign ordinance with these changes.

// On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and to discuss the annual performance of the City Attorney, City Manager and Clerk of Council pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// The meeting was re-opened to the public.

// Vice Mayor Dodson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Barksdale, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Noes:

0

// The meeting was adjourned at 4:45 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of June, 2004, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Garber gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the June 1 and June 8 (two meetings), 2004 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Historic Districts, Resolution #R-04-066 appropriating \$147,500, with \$118,000 reimbursement, for the Historic Streets Restoration Program in the Daniel's Hill Historic District, laid over from the June 8, 2004 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Commissioner of the Revenue, Resolution #R-04-067 appropriating \$14,885 to refund overpayment of business license tax by Preferred Labor LLC for calendar years 2001, 2002 and 2003, laid over from the June 8, 2004 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// On behalf of City Council, Mayor Hutcherson presented a token of appreciation to outgoing Council Members Julian Adams, Edward Barksdale and Robert Garber for their service to the City.

// In the matter of Greater Lynchburg Transit Company (GLTC), a public hearing was held regarding City Council Report #4 regarding an Ordinance to amend and reenact Section 12-29 of the Code of the City of Lynchburg, 1981, the amended section relating to bus fares. GLTC General Manager Michael Carroll outlined the request. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-04-073, as presented, amending and reenacting Section 12-29 of the Code of the City of Lynchburg relating to bus fares:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Zoning, City Council Report #5 regarding proposed changes to the City's sign ordinance was considered. City Manager Kimball Payne presented a revised ordinance to

reflect changes discussed at the earlier work session. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #0-04-074, as presented, amending the provisions of the City Code regulating signs within the City limits:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and to discuss the annual performance of the City Manager pursuant to Section

2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Mayor Hutcherson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Adams, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Barksdale, Council by the following recorded vote appointed Heather L. Carpenter to serve on the Youth Services Citizens Board for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Lester L. Lamb to serve on the Central Virginia Community College Board to fill an unexpired term ending June 30, 2005:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote re-appointed Charles C. Hooks, Jr. to serve on the School Board for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Albert L. Billingsly and Thomas H. Webb to serve on the School Board for terms to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed James B. Polk, Jr. and Joyce G. Wilburn to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for terms to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Ronnie D. Shultz to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Susan G. Ackley and Gary F. Allen to serve on the Industrial Development Authority Board for terms to expire June 30, 2008:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 7:15 P.M. to June 30, at 11:00 A.M., to attend the Lynchburg Redevelopment and Housing Authority Board meeting and to tour their office facilities.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from June 22, was held on the 30th day of June, 2004, at 11:00 A.M., 918 Commerce Street, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to attend the Lynchburg Redevelopment and Housing Authority Board meeting and tour their renovated facilities. The following Members were present:

Present: Barksdale, Foster, Seiffert, Hutcherson

4

Absent: Adams, Dodson, Garber

3

// Following a tour of the Housing Authority's renovated facilities, City Council attended the regular meeting of the Lynchburg Redevelopment and Housing Authority (LRHA) Board. Some of the items discussed at the meeting included Lynch's Landing Mural Art Program, Authority compensation, and disposition of spot blighted properties.

// The meeting was recessed at 12:50 p.m. to July 1, at 9:00 a.m., to conduct City Council's organizational meeting.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from June 30, was held on the 1st of July, 2004 at 9:00 A.M. in the Council Chamber, City Hall, Patricia W. Kost, Clerk of Council, presiding. The purpose of the meeting was to elect City Council officers. The following members were present:

Present: Dodson, Foster, Gillette, Helgeson, Hutcherson, Johnson, Seiffert 7

Absent: 0

// Prior to the election of City Council officers, the Honorable J. Leyburn Mosby, Jr., Chief Judge, 24th Judicial Circuit Court of Virginia, gave the oath of office to newly-elected Council Members Joseph M. Seiffert, Michael A. Gillette, Ceasor T. Johnson, and Jeff S. Helgeson.

// City Council Members then took a seat behind the dais. The Clerk of Council declared nominations in order for the Office of President of Council, who will serve as ex-officio Mayor of the City of Lynchburg for a two-year term ending June 30, 2006. Council Member Dodson nominated Council Member Hutcherson. There being no further nominations, Council Member Seiffert made a motion that the nominations for President be closed. This motion was seconded by Council Member Gillette, and Council by the following recorded vote approved the motion to close the nominations for President:

Ayes: Dodson, Foster, Gillette, Helgeson, Hutcherson, Johnson, Seiffert 7

Noes: 0

The Deputy Clerk read aloud the ballots, and by the following recorded vote Council Member Hutcherson was elected President:

Hutcherson: Dodson, Foster, Gillette, Helgeson, Hutcherson, Johnson, Seiffert 7

// Mayor Hutcherson took the chair and declared nominations in order for the office of Vice President of Council, who will serve as ex-officio Vice Mayor of the City of Lynchburg for a two-year term ending June 30, 2006. Mayor Hutcherson nominated Council Member Dodson. Council Member Gillette nominated Council Member Foster. There being no further nominations, Council Member Gillette make a motion that the nominations be closed. This motion was seconded by Council Member Dodson, and Council by the following recorded vote approved the motion to close the nominations for Vice President:

Ayes: Dodson, Foster, Gillette, Helgeson, Hutcherson, Johnson, Seiffert 7

Noes: 0

The Deputy Clerk read aloud the ballots, and by the following recorded vote Council Member Foster was elected Vice President:

Dodson: Dodson, Hutcherson 2

Foster: Foster, Gillette, Helgeson, Johnson, Seiffert 5

// The meeting was recessed at 9:18 A.M. to July 13, at 2:00 p.m., to conduct a work session regarding several items.